IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 5980 of 2004

Between:

J.Murali, S/o Jagannatham, Hindu, No.19, Minjur,Minjur Peruratchi, Tamil Nadu, Owner of Vehicle T.N. 22/Y 5353.

..... PETITIONER

AND

1 The State of A.P., rep. by the Station House Officer,Yerravaipalem Police Station, Yerravaipalem, Chittoor District.
2 The District Forest Officer (Wild Life), K.T. Road, Tirupathi, Chittoor District.
3 The Authorised Officer-cum-Divisional Forest Officer, Wildlife Management Division, Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more in the nature of Mandamus declaring the action of the respondents in not releasing my vehicle Mini Lorry bearing Registration No. 22/Y 5353, for the interim custody which was seized by the 1st respondent on 9-9-2003 as being illegal, arbitrary and violative of Articles 14, 21 and 300 A besides against the judicial precedents and consequently direct the respondents to release the vehicle bearing No. 22/Y 5353.

Counsel for the Petitioner: MR.C.A.RSESHAGIRI RAO

Counsel for the Respondent No.: GP FOR FORESTS

The Court made the following :

ORAL ORDER:

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioner herein, who claims to be the owner of the vehicle i.e., Mini Lorry bearing No. 22/Y 5353, files this writ petition challenging the action of the respondents in not releasing the vehicle seized by the 1st respondent on 9-9-2003 as illegal and arbitrary and sought a direction to the respondents for release of the said vehicle.

The case of the petitioner, in brief, is that he is not aware of the involvement of the said vehicle in any offence and therefore, he cannot be tagged on with any liability. Further, the vehicle ought not have been seized. Though, he filed an application for interim custody of the said vehicle before the Judicial Magistrate of First Class, Piler, the same was dismissed and the vehicle was not released. Hence, the present writ petition.

In the counter affidavit filed on behalf of the respondents 2&3, it is stated that the said vehicle was seized on 9-9-2003 and a case in Crime No. 38 of 2003 was registered under the provisions of Andhra Pradesh Forest Act, 1967 and the same was produced along with 190 Red Sanders logs weighing 5720 Kgs before the

JFCM, Piler. Subsequently, the Authorised Officer though issued show cause notice to the petitioner, there is absolutely no cooperation on behalf of the petitioner to proceed with the enquiry. Hence, the petitioner is not entitled for any relief.

Having considered the submissions made and on perusal of the material and especially in view of the principles laid down by the Supreme Court in *STATE OF KARNATAKA, VS., K.KRISHNA,* I do not find any merit in this writ petition, and more so in view of such long delay apparent on the part of the petitioner.

In view of the allegations of non cooperation on the part of the petitioner in attending the enquiry, the writ petition is disposed of directing the respondents to complete the enquiry within a period of one month after giving notice and opportunity to the petitioner. No costs.

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B. PRAKASH RAO, J

Dt. 26-8-04

Kvrk

To

1 The State of A.P., rep. by the Station House Officer,Yerravaipalem Police Station, Yerravaipalem, Chittoor District.
2 The District Forest Officer (Wild Life), K.T. Road, Tirupathi, Chittoor District.
3 The Authorised Officer-cum-Divisional Forest Officer, Wildlife Management Division, Tirupathi.

4. Two copies to G.P for Forests, High Court Bldgs.,Hyd. (OUT)

5. Two CD copies.